

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

April 25, 2005

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: SB1200 by Ellis (Relating to information held by a governmental body regarding forensic evidence used in the trial of a person sentenced to death if the evidence was tested by a forensic laboratory operated by the police department in certain municipalities.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would establish certain conditions under which information held by or for a governmental body, including a law enforcement agency or prosecutor, regarding the investigation or prosecution of a capital offense for which the death penalty has been imposed would not be confidential or otherwise excepted from public information statutes.

The bill would also authorize the judge of a court in which a person has been convicted of a capital offense to order forensic retesting of forensic evidence that was originally tested by an employee or independent contractor of a forensic laboratory operated by the police department in a municipality with a population of 1.5 million or more.

The bill would take effect immediately if it receives the required two-thirds vote in each house; otherwise, it would take effect September 1, 2005.

Because existing statute already names the Department of Public Safety as the agency for which forensic retesting would be performed when ordered by a court, the agency assumes the provisions of the bill would be absorbed using existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 405 Department of Public Safety

LBB Staff: JOB, KJG, DLBa, SJ